

**LAW OFFICES OF IAN WALLACE, PLLC**  
501 FIFTH AVENUE · 19<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10017

TEL: (212) 661-5306

FAX: (646) 349-5308

April 11, 2019

**VIA ECF**

Magistrate Judge A. Kathleen Tomlinson  
United States District Court, EDNY  
Long Island Courthouse,  
100 Federal Plaza  
Central Islip, New York 11722

**Re: *Quintanilla, et al. v. Suffolk Paving Corp., et al* ; Civil Action No. 09 Civ. 5331**

Hon. Magistrate Tomlinson:

Counsel have agreed to settle this action under the terms stated during court yesterday. I would request that the court provide leave to refile Plaintiffs' claims within a reasonable time if settlement is not consummated.

All of the plaintiffs' claims have been settled and are encompassed within the settlement agreement except for the claims of Jose Vega Castillo. I had previously sought leave to voluntarily dismiss Mr. Castillo's Federal claims under the FLSA to permit him to refile his remaining State law claims in a state court within six months pursuant to CPLR § 205(a).

Yesterday evening after court I reminded Mr. Zabell of the foregoing and that Mr. Castillo's claims would not be settled and that, in any event, I lack authority to settle on Mr. Castillo's behalf as I have not been able communicate with him since the parties agreed to settle. Mr. Zabell agreed that Mr. Castillo's claims were not going to be settled as part of the settlement agreement and that he understood Mr. Castillo was in the process of seeking to voluntarily dismiss his Federal claims only (and to preserve his right to refile his remaining state law claims).

Finally, I request until **April 18, 2019** to file Mr. Castillo's signed release agreeing to dismiss his Federal claims, which I will append to my letter application to this court.

Respectfully submitted,

/s/

Ian F. Wallace